

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JOYCE ANN SMITH

v.

CITY OF PRINCETON, ET AL.

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Civil Action No. 4:17-CV-85

(Judge Mazzant/Judge Nowak)

### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 1, 2020, the report of the Magistrate Judge (Dkt. #146) was entered containing proposed findings of fact and recommendations that Plaintiff Joyce Ann Smith's twelve post-appeal motions and Defendant City of Princeton's four post-appeal motions be denied. Plaintiff acknowledged receipt of the Magistrate Judge's report on July 7, 2020 (Dkt. #147).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that each of Plaintiff Joyce Ann Smith's post-appeal motions, that is, her (1) "Motion for Preliminary Injunction" (Dkt. #79); (2) "Motion for [Rule] 60(B)(3)(6) Vacant [sic] Judgement [sic]" (Dkt. #82); (3) "Motion for 201 D. [sic] Judicial Notice of Adjudicative Fact" (Dkt. #90); (4) "Motion [for] Default Judgment against Respondent First Choice Towing" (Dkt. #92); (5) "Second Motion for Relief from Defendant City of Princeton" (Dkt. #99); (6) "Second Reply Motion [for] Default Judgement [sic] against Respondent First Choice Towing" (Dkt. #101); (7) "Second Motion for 201 D. [sic] Judicial Notice of Adjudicative

Fact” (Dkt. #102); (8) “Motion of Signing Pleadings, Motions, and Other Papers; Representations to the Court; [and] Sanctions Against the Defendant City of Proinceton [sic]” (Dkt. #103); (9) “Motion for Failure to Rule on a Motion and Delay the Judgment [under] Rule 53.1” (Dkt. #110); (10) “Opposition Motion to Respondent City of Princeton Counterclaim Re Docket 111” (Dkt. #115); (11) “Motion for Emergency Application for Writ of Mandamus[,] Vacate Judgement [sic], Restraining Order, Fraudulent Representation, Default Judgement [sic] and Preliminary Injunctive Relief” (Dkt. #125); and (12) “Motion to Strike Defendants’ Affirmative Allegations and Defenses” (Dkt. #131) are hereby **DENIED**.

It is further **ORDERED** that Defendant City of Princeton’s (1) Motion to Recover Attorney’s Fees (Dkt. #123); (2) Motion to Strike (Dkt. #128); (3) Motion for a Telephonic Management Conference (Dkt. #135); and (4) First Supplemental Motion to Recover Additional Attorney’s Fees (Dkt. #138) are hereby **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 24th day of July, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE